



# House of Representatives

General Assembly

**File No. 510**

January Session, 2015

Substitute House Bill No. 5286

*House of Representatives, April 8, 2015*

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT PROHIBITING THE IMPORT AND SALE OF COSMETICS THAT CONTAIN MICROBEADS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this  
2 section:

3 (1) "Over-the-counter drug" means any drug that is a personal care  
4 product that contains a label that identifies such product as a drug, as  
5 required by 21 CFR 201.66, as amended from time to time;

6 (2) "Personal care product" means any (A) article intended to be  
7 rubbed, poured, sprinkled, sprayed on, introduced into or otherwise  
8 applied to the human body or any part thereof for cleansing,  
9 beautifying, promoting attractiveness or altering the appearance of, (B)  
10 article intended for use as a component of any such article described in  
11 subparagraph (A) of this subdivision, or (C) over-the-counter drug.  
12 "Personal care product" does not include any product for which a  
13 prescription is required for distribution or dispensation, as determined

14 by the Commissioner of Consumer Protection; and

15 (3) "Microbead" means any plastic component of a personal care  
16 product measured to be five millimeters or less in size.

17 (b) On and after December 31, 2017, no person shall manufacture for  
18 sale any personal care product that contains any intentionally added  
19 microbead.

20 (c) On and after December 31, 2018, no person shall import, sell or  
21 offer for sale any personal care product that contains any intentionally  
22 added microbead.

23 (d) The Commissioner of Energy and Environmental Protection, in  
24 consultation with the Commissioner of Consumer Protection, may  
25 adopt regulations, in accordance with the provisions of chapter 54 of  
26 the general statutes, to implement the provisions of this section.

27 (e) Any person who violates the provisions of this section or any  
28 regulation adopted pursuant to subsection (d) of this section shall be  
29 fined not more than one thousand dollars for the first violation and not  
30 more than two thousand five hundred dollars for any subsequent  
31 violation.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	New section
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**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Resources of the General Fund	GF - Potential Revenue Gain	None	Less than 5,000

Note: GF=General Fund

**Municipal Impact:** None**Explanation**

The bill phases out, over time, certain personal care products containing intentionally added microbeads.

Violators are subject to fines of up to (1) \$1,000 for a first violation and (2) \$2,500 for subsequent violations. It is anticipated that less than five violations will occur, generating less than 5,000 in FY 17.

**The Out Years**

The annualized ongoing fiscal impact identified above will continue into the future subject to the number of violations.

**OLR Bill Analysis****sHB 5286*****AN ACT PROHIBITING THE IMPORT AND SALE OF COSMETICS THAT CONTAIN MICROBEADS.*****SUMMARY:**

This bill prohibits, in two stages, the manufacture for sale, import, sale, or offer for sale of personal care products with intentionally added plastic of five millimeters or less in size (i.e., microbeads).

The bill bans, beginning December 31, 2017, manufacturing for sale personal care products in this state with intentionally added microbeads. And, beginning one year later, it bans importing, selling, or offering them for sale.

The bill allows the Department of Energy and Environmental Protection (DEEP) commissioner to adopt regulations, in consultation with the Department of Consumer Protection (DCP) commissioner, to implement the bill's provisions.

Violators of the bans or DEEP's adopted regulations are subject to fines of up to (1) \$1,000 for a first violation and (2) \$2,500 for subsequent violations.

EFFECTIVE DATE: Upon passage

**PERSONAL CARE PRODUCTS**

The bill applies to:

1. products, or their components, intended for rubbing, pouring, sprinkling, spraying on, introducing into, or applying to the human body for cleansing, beautifying, promoting attractiveness, or altering its appearance and

2. certain products with labels required by federal regulations identifying them as drugs (“over-the-counter drugs”).

It excludes products the DCP commissioner determines need a prescription to distribute or dispense.

## **BACKGROUND**

### ***Federal Regulations***

Federal regulations provide the content and format requirements for labeling over-the-counter drug products. Among other things, the labels must include the title “Drug Facts” and such things as the active ingredients, uses, directions, and any applicable warnings (21 CFR 201.66).

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    28    Nay   0    (03/20/2015)